

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**JAMES MCALPHIN,
ADC # 88328**

PLAINTIFF

v.

No. 2:13-cv-145-DPM-JJV

**N. OBI, Doctor, ADC, EARU; BALL,
Doctor, ADC, EARU; G. CAMPBELL,
APN, ADC, EARU; KITRELL, Doctor,
Psychiatrist, ADC, EARU; JOHN DELK,
Doctor of Urology, University Hospital;
CHARLOTTE GARDNER, Regional
Ombudsman; RICHARD E. D'ANNA,
Urologist; CORIZON, Medical Contractor,
ADC; DUNN, Nurse; ROLAND ANDERSON,
Doctor, ADC Central Office; and LARRY
MAY, Assistant Director, ADC**

DEFENDANTS

ORDER

The Court has considered Magistrate Judge Joe J. Volpe's proposed findings and recommendations, *No. 7*. McAlphin has not objected. After reviewing the proposal for clear factual error and for legal error, FED. R. CIV. P. 72(b)(3) (1983 addition to advisory committee notes), the Court adopts it. McAlphin's claim for damages against Defendants in their official capacities is dismissed without prejudice. McAlphin's claims against Kitrell, Delk,

Gardner, D'Anna, Corizon, Dunn, Anderson, and May are dismissed without prejudice for failure to state a claim.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

4 December 2013